

CHAPTER NO. 819

HOUSE BILL NO. 1210

By Representatives Clem, McCord, Bunch

Substituted for: Senate Bill No. 1304

By Senators Fowler, Crowe

AN ACT to amend Tennessee Code Annotated, Title 10, to protect and preserve the privacy of information related to consumers of services from municipal utilities.

WHEREAS, the ever-increasing access to information personal to consumers is becoming or has the potential to be a significant problem for citizens of the state who are exposed to potential wrongdoers' misappropriation of personal information to create false identities; and

WHEREAS, municipal utilities are in possession of information personal or proprietary to a consumer or business that could result in loss of property or injury to a consumer or business if obtained for use in perpetration of illegal activity; and

WHEREAS, there are in this state many municipal utilities that must as a part of their operations obtain personal information that becomes subject to public disclosure upon request; and

WHEREAS, in the coming era of deregulation in certain segments of the utility industry, municipally-owned utilities would be at a disadvantage to privately-owned utilities that are not legally required to disclose information personal or proprietary to consumers and businesses; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 10-7-504(a), is amended by adding the following new subdivision (20):

(20)

(A) For the purposes of subdivision (a)(20), the following terms shall have the following meaning:

(i) "Consumer" means any person, partnership, limited partnership, corporation, professional corporation, limited liability company, trust, or any other entity, or any user of a utility service.

(ii) "Municipal" and "Municipality" means a county, metropolitan government, incorporated city, town of the state, or utility district as created in Title 7, Chapter 82.

(iii) "Private Records" means a credit card number, social security number, tax identification number, financial institution account number, burglar alarm codes, security codes, and access codes.

(iv) "Utility" shall include any public electric generation system, electric distribution system, water storage or processing system, water distribution system, gas storage system or facilities related thereto, gas distribution system, wastewater system, telecommunications system, or any services similar to any of the foregoing.

(B) The private records of any utility shall be treated as confidential and shall not be open for inspection by members of the public.

(C) Information made confidential by this subsection shall be redacted wherever possible and nothing in this subsection shall be used to limit or deny access to otherwise public information because a file, document, or data file contains confidential information. For purposes of this section only, it shall be presumed that redaction of such information is possible. The entity requesting the records shall pay all reasonable costs associated with redaction of materials.

(D) Nothing in this subsection shall be construed to limit access to these records by law enforcement agencies, courts, or other governmental agencies performing official functions.

(E) Nothing in this subsection shall be construed to limit access to information made confidential under this subsection, when the consumer expressly authorizes the release of such information.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

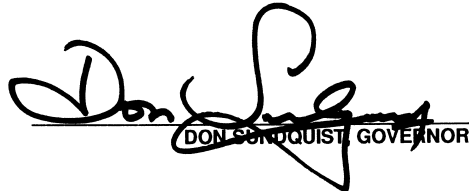
SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: June 20, 2002


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 27th day of June 2002


DON SUNDQUIST, GOVERNOR